

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 04-290(2) (JRT/FLN)

Civil No. 06-2974 (JRT)

Plaintiff,

v.

ORDER

JASON ALAN HIGDAY,

Defendant.

David P. Steinkamp, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, for plaintiff.

Jason Alan Higday, FCI-Victorville, #72287-080, P.O. Box 5700, Adelanto, CA 92301, defendant *pro se*.

On July 10, 2006, petitioner Jason Alan Higday (“Higday”) filed this motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Higday subsequently filed a request for an extension of time in which to file a memorandum in support of his § 2255 motion. This Court granted the request, stating that the § 2255 motion would be dismissed without prejudice if Higday failed to file the memorandum within thirty days. Higday filed a second motion for an extension of time on June 1, 2007. This Court granted the motion on June 12, 2007, allowing Higday an additional sixty days to file the memorandum.

The sixty-day extension has now expired, and Higday has yet to file a memorandum in support of his § 2255 motion. In accordance with this Court's prior orders, the Court finds that Higday's § 2255 motion should be dismissed.

ORDER

Based on the foregoing, all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Higday's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255 [Docket No. 178] is **DISMISSED**.

DATED: September 6, 2007
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge